



**Washington State
Department of Transportation**

Lynn Peterson
Secretary of Transportation

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March 18, 2014

Jeff Horton
NW Region Area Engineer
FHWA
711 South Capitol Way
Suite 501, Olympia, WA 98501

**RE: SR 542 & 547 Intersection Improvements
Determination of “No Effect” for Federally Listed Species**

Dear Mr. Horton,

The Washington State Department of Transportation (WSDOT) proposes safety improvements to the State Route (SR) 542 and SR 547 intersection starting at milepost (MP) 22.70 and ending at MP 23.05 in unincorporated Whatcom County, Washington. The project is approximately 25 miles east of Bellingham and 3 miles west of Maple Falls, Washington within Township 40 North, Range 5 East, Section 34 (Figure 1). This project seeks to improve traffic flow and reduce potential collisions at this intersection by constructing a single lane roundabout with three roadway legs. Construction will provide access to a public library adjacent to the north side of the roundabout, pedestrian and bicycle safety features including sidewalks, crosswalk, and traffic calming features (curbs, plants), new signs, and illumination. Stormwater treatment includes infiltration and is considered low impact development. The project will utilize federal funds; therefore, it has a federal nexus under the Endangered Species Act (ESA) of 1973, as amended.

Proposed construction activities associated with the project include: cut and fill, grading, sawcutting, jack hammering, excavation, grinding/planing pavement, paving, concrete placement, drainage installation, erosion control, delineation, utility relocation, landscaping, and traffic control. Construction equipment will include traffic control items, backhoes, asphalt pavers, excavators, concrete trucks, dump trucks, compaction equipment, generators, light plants, saw cutters, slurry vacuums, street sweepers, and pavement grinders.

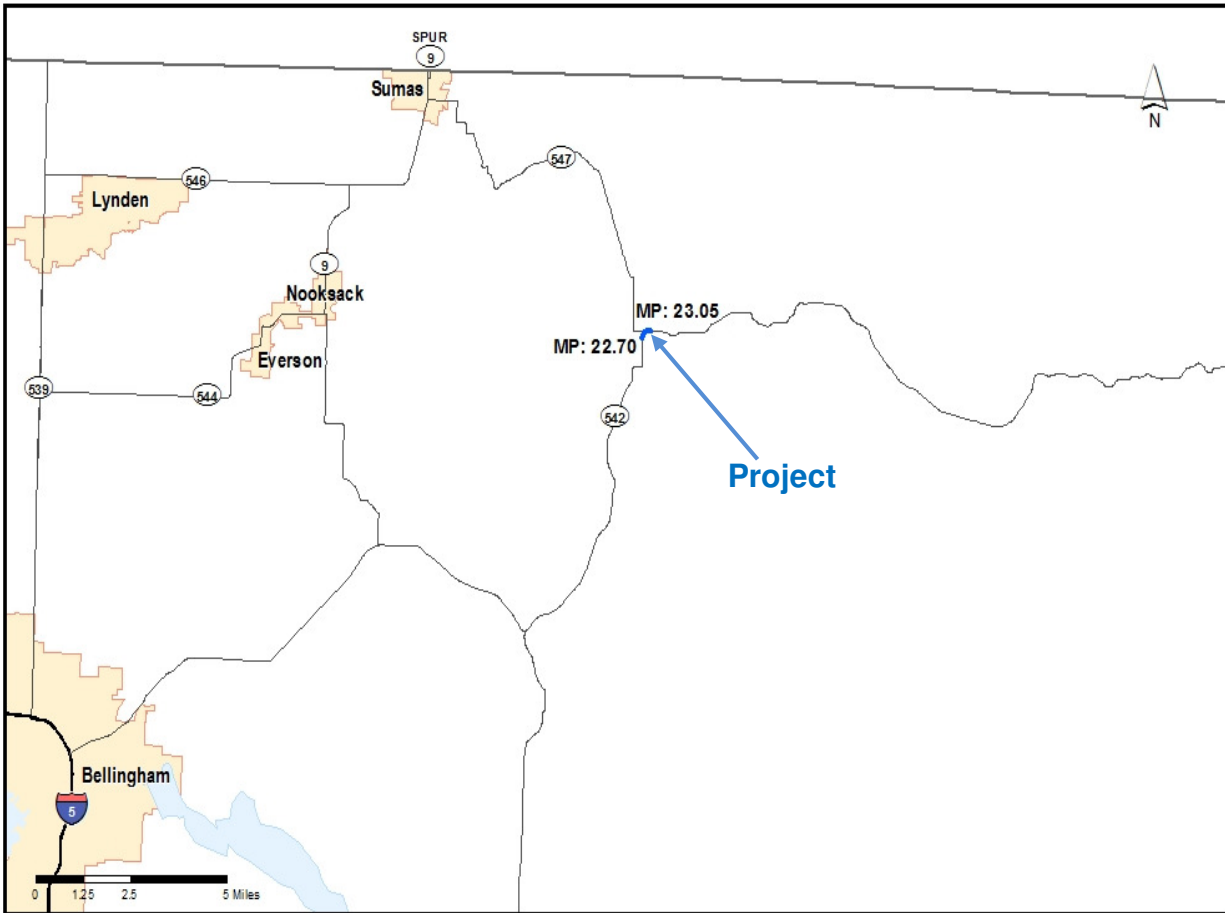


Figure 1. Project Vicinity Map.

Site investigations were conducted by a WSDOT biologist on November 27, 2013, to document the potential presence of protected species or habitat within the project vicinity. Wetland and stream features are not located within the immediate project vicinity. Nearby streams include High Creek and Kendall Creek. High Creek (WRIA 01-0407; HUC 17110040202), is located 400 feet south of the start of the project. High Creek flows west to Kendall Creek (WRIA 01-0406), approximately 1,500 feet west of the project.

Species and Habitats

A WSDOT biologist reviewed the proposed project description and species listings from United States Fish and Wildlife Service, National Marine Fisheries Service, and reviewed site-specific habitat information from Washington State Department of Fish and Wildlife (WDFW 2014a, 2014b). United States Fish and Wildlife Service (USFWS 2013; 2010) and National Marine Fisheries Service (NMFS 2012; 2005) identified that the following threatened species may occur in the project vicinity in High Creek:

- Puget Sound DPS steelhead trout (*O. mykiss*) and proposed critical habitat;

Listed fish species present in Kendall Creek include:

- Puget Sound DPS steelhead trout (*O. mykiss*) and proposed critical habitat
- Puget Sound/Coastal Distinct Population Segment (DPS) bull trout (*Salvelinus confluentus*) and critical habitat;
- Puget Sound Evolutionary Significant Unit Chinook salmon (*Oncorhynchus tshawytscha*);

Listed terrestrial species within the project area include marbled murrelet (*Brachyramphus marmoratus*) and spotted owl (*Strix occidentalis caurina*) (USFWS 2008). The nearest murrelet sighting is approximately two miles from the project and the nearest historic spotted owl nest is located just over two miles from the project (WDFW 2014). No critical habitat is located near the project area. Habitat within 1,600 feet of the project is patchy and disturbed by local residences, the community of Kendall, and farming within the North Fork Nooksack River valley. The project may remove up to two trees.

Project Impacts

The project will not impact wetlands or any waterway; no impacts to protected species or habitat will occur. The removal of two trees may occur; however, the trees are located within a triangle of three roads and are not suitable habitat for marbled murrelets or spotted owls. Noise impacts are not expected. Noise analysis for a similar WSDOT construction project along SR 542 indicated noise would attenuate to background within 3,450 feet of the project (WSDOT 2012); nest sites are well outside that zone.

No staging or equipment storage will take place within sensitive areas or their buffers. Best Management Practices and a Temporary Erosion and Sediment Control plan will be implemented to avoid and/or minimize possible project impacts.

Conclusion

A WSDOT biologist documented that the project will not impact listed species or critical habitats associated with High Creek or Kendall Creek. These conclusions are based on site condition evaluations, scientific literature and agency report reviews, and information from the project engineers. WSDOT has determined that the environmental baseline near the project will not be degraded because:

- There will be no noise or habitat impacts on state or federally listed species or their Designated Critical Habitats.
- There will be no work in or near fish-bearing streams.
- All stormwater will be infiltrated.

Therefore, WSDOT recommends a “**no effect**” determination for **Chinook salmon, bull trout, steelhead trout, marbled murrelet, spotted owl** and their designated critical habitat for the proposed project. The project **will not destroy or adversely modify** steelhead critical habitat; if critical habitat is designated prior to project completion, the provisional effect determination is **no effect**. Also, this project will have **no effect** on Essential Fish Habitat.

For additional project information please contact Kristin Murray at 360-788-7453.

Sincerely,



George Ritchotte
Northwest Region Biology Lead

cc: Kevin Stuber, WSDOT, Environmental Permit Coordinator
Jason Koreski, WSDOT, Project Design Team Lead
Chad Calhoun, WSDOT, Project Design

References:

- NMFS. 2012. National Oceanic and Atmospheric Administration, National Marine Fisheries Service. Species list website for ESA listed salmon species. Updated October 31, 2012. Accessed online March 14, 2014 at: http://www.westcoast.fisheries.noaa.gov/publications/protected_species/salmon_steelhead/status_of_ea_salmon_listings_and_ch_designations_map.pdf.
- NMFS. 2005. National Oceanic and Atmospheric Administration, National Marine Fisheries Service. Designated Salmon Critical Habitat data published in GIS format for WSDOT . Accessed with ArcMap 10.2 on March 14, 2014.
- USFWS. 2013. U.S. Fish and Wildlife Service. Threatened and Endangered Species Lists for Washington. Accessed online at: <http://www.fws.gov/wafwo/specieslist.html#Fish>.
- USFWS. 2010. Bull trout critical habitat data published in GIS format for WSDOT on September 26, 2005. Accessed with Arc Map 10.2 on March 14, 2014.
- USFWS. 2008. Spotted owl and marbled murrelet critical habitat data published in GIS format for WSDOT October 2008. Accessed with Arc Map 10.2.
- WDFW. 2014a. Washington Department of Fish and Wildlife. Fish Species of Interest. Data published in GIS format for WSDOT. Accessed on March 14, 2014.
- WDFW. 2014b. Washington Department of Fish and Wildlife. Priority Species and Habitat data- Wildlife Occurrence, Federally Listed Species. Data published in GIS format for WSDOT. Accessed on March 14, 2014.
- WSDOT. 2012. Construction Noise Affect Area Project Information Page for SR 542 Hedrick Creek. Larry Magnoni, WSDOT Noise and Air Effects, Shoreline, WA.